

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-12131-LGS**

American Civil Liberties Union et al v. Office of the Director of
National Intelligence et al
Assigned to: Judge Lorna G. Schofield
Cause: 05:552 Freedom of Information Act

Date Filed: 12/21/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Civil Liberties Union

represented by **Noor Zafar**
American Civil Liberties Union
Foundation
125 Broad Street
New York, NY 10004
469-301-5991
Email: nzafar@aclu.org
ATTORNEY TO BE NOTICED

Patrick Christopher Toomey
American Civil Liberties Union (NYC)
125 Broad Street, 18th Floor
New York, NY 10004
(212) 519-7816
Fax: (212) 549-2654
Email: ptoomey@aclu.org
ATTORNEY TO BE NOTICED

Plaintiff

**American Civil Liberties Union
Foundation**

represented by **Noor Zafar**
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Christopher Toomey
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**Office of the Director of National
Intelligence**

represented by **David Stuart Jones**
U.S. Attorney's Office, SDNY (86
Chambers St.)
86 Chambers Street
New York, NY 10007
212-637-2200
Fax: 212-637-2686
Email: david.jones6@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jean-David Barnea
U.S. Attorney's Office, SDNY (Chambers
Street)
86 Chambers Street
New York, NY 10007
(212) 637-2679
Fax: (212) 637-2717
Email: jean-david.barnea@usdoj.gov

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

National Security Agency

represented by **David Stuart Jones**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jean–David Barnea
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Central Intelligence Agency

represented by **David Stuart Jones**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jean–David Barnea
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Department Of Justice

represented by **David Stuart Jones**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jean–David Barnea
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
12/21/2018	<u>1</u>	COMPLAINT against Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence. (Filing Fee \$ 400.00, Receipt Number ANYSDC–16099893)Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Toomey, Patrick) (Entered: 12/21/2018)
12/21/2018	<u>2</u>	CIVIL COVER SHEET filed. (Toomey, Patrick) (Entered: 12/21/2018)
12/21/2018	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Office of the Director of National Intelligence, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/21/2018)
12/21/2018	<u>4</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to National Security Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) Modified on 12/26/2018 (dnh). (Entered: 12/21/2018)
12/21/2018	<u>5</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to Central Intelligence Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) Modified on 12/26/2018 (dnh). (Entered: 12/21/2018)

12/21/2018	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/21/2018)
12/21/2018	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Toomey, Patrick) (Entered: 12/21/2018)
12/26/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Lorna G. Schofield. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (dnh) (Entered: 12/26/2018)
12/26/2018		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (dnh) (Entered: 12/26/2018)
12/26/2018		Case Designated ECF. (dnh) (Entered: 12/26/2018)
12/26/2018	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to Office of the Director of National Intelligence. (dnh) (Entered: 12/26/2018)
12/26/2018	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to Department Of Justice. (dnh) (Entered: 12/26/2018)
12/26/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Patrick Christopher Toomey to RE–FILE Document No. <u>5</u> Request for Issuance of Summons, <u>4</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): 'C/o' Error; 'C/o' or 'via' must be included before second party name. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (dnh) (Entered: 12/26/2018)
12/27/2018	<u>10</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Central Intelligence Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/27/2018)
12/27/2018	<u>11</u>	FILING ERROR – DEFICIENT – SUMMONS REQUEST – REQUEST FOR ISSUANCE OF SUMMONS as to National Security Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) Modified on 12/28/2018 (vf). (Entered: 12/27/2018)
12/28/2018	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to Central Intelligence Agency. (vf) (Entered: 12/28/2018)
12/28/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Patrick Christopher Toomey to RE–FILE Document No. <u>11</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): defendant name error, defendant name listed on PDF attached to the docket entry for the issuance of summons is not correct. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (vf) (Entered: 12/28/2018)
12/28/2018	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to National Security Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 12/28/2018)
01/02/2019	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to National Security Agency. (pc) (Entered: 01/02/2019)

01/04/2019	<u>15</u>	ORDER: Initial Conference set for 2/19/2019 at 10:30 AM in Courtroom 1106, Thurgood Marshal Courthouse, 40 Foley Square, New York, NY 10007 before Judge Lorna G. Schofield. (Signed by Judge Lorna G. Schofield on 1/4/2019) (jca) (Entered: 01/04/2019)
01/14/2019	<u>16</u>	LETTER addressed to Judge Lorna G. Schofield from Patrick Toomey dated January 14, 2019 re: Confirming Service of Scheduling Order and Individual Rules. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Toomey, Patrick) (Entered: 01/14/2019)
01/14/2019	<u>17</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. Related document: <u>1</u> Complaint,.(Toomey, Patrick) (Entered: 01/14/2019)
01/15/2019	<u>18</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Central Intelligence Agency served on 1/2/2019, answer due 2/1/2019. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 01/15/2019)
01/15/2019	<u>19</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Department Of Justice served on 1/2/2019, answer due 2/1/2019. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 01/15/2019)
01/15/2019	<u>20</u>	AFFIDAVIT OF SERVICE (FOIA CASE). National Security Agency served on 1/2/2019, answer due 2/1/2019. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 01/15/2019)
01/15/2019	<u>21</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Office of the Director of National Intelligence served on 1/2/2019, answer due 2/1/2019. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 01/15/2019)
01/15/2019	<u>22</u>	AFFIDAVIT OF SERVICE of Summons served on United States Attorney for the Southern District of New York on 01/02/2019. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 01/15/2019)
01/15/2019	<u>23</u>	AFFIDAVIT OF SERVICE of Summons served on Matthew G. Whitaker, Acting Attorney General of the United States on 01/02/2019. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Toomey, Patrick) (Entered: 01/15/2019)
01/16/2019	<u>24</u>	NOTICE OF APPEARANCE by David Stuart Jones on behalf of Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence. (Jones, David) (Entered: 01/16/2019)
01/17/2019	<u>25</u>	LETTER MOTION to Stay <i>pending restoration of Justice Department funding</i> addressed to Judge Lorna G. Schofield from David S. Jones dated January 17, 2019. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence. (Attachments: # <u>1</u> Exhibit Standing Order staying certain cases pending restoration of Justice Department funding)(Jones, David) (Entered: 01/17/2019)
01/18/2019	<u>26</u>	ORDER granting <u>25</u> Letter Motion to Stay. Application GRANTED. This case is stayed as set forth above, and all deadlines are tolled as set forth above. (Signed by Judge Lorna G. Schofield on 1/18/2019) (cf) (Entered: 01/18/2019)
01/25/2019	<u>27</u>	NOTICE OF APPEARANCE by Noor Zafar on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation. (Zafar, Noor) (Entered: 01/25/2019)
02/12/2019	<u>28</u>	JOINT LETTER addressed to Judge Lorna G. Schofield from Noor Zafar dated February 12, 2019 re: Initial Conference. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Zafar, Noor) (Entered: 02/12/2019)

		02/12/2019)
02/13/2019	<u>29</u>	MEMO ENDORSEMENT on re: <u>28</u> Letter filed by American Civil Liberties Union, American Civil Liberties Union Foundation. ENDORSEMENT: APPLICATION GRANTED. The initial pretrial conference scheduled for February 19, 2019, is hereby adjourned to March 19, 2019, at 10:30 a.m. By March 15, 2019, the parties shall submit their proposed briefing schedule and state whether the conference is necessary to resolve any open issues. SO ORDERED. (Initial Conference set for 3/19/2019 at 10:30 AM before Judge Lorna G. Schofield.) (Signed by Judge Lorna G. Schofield on 2/13/2019) (kv) (Entered: 02/13/2019)
03/15/2019	<u>30</u>	LETTER addressed to Judge Lorna G. Schofield from Noor Zafar dated March 15, 2019 re: Search and Production Schedule. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Zafar, Noor) (Entered: 03/15/2019)
03/15/2019	<u>31</u>	LETTER MOTION for Extension of Time to File Answer re: <u>17</u> Amended Complaint, <i>and Proposed Schedule</i> addressed to Judge Lorna G. Schofield from AUSA Jean-David Barnea dated 3/15/19. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Barnea, Jean-David) (Entered: 03/15/2019)
03/19/2019	<u>32</u>	ORDER granting <u>31</u> Letter Motion for Extension of Time to Answer re <u>17</u> Amended Complaint. Application GRANTED. This application is untimely. Nevertheless, the deadline for Defendants to answer or otherwise respond to the Complaint is hereby extended to March 26, 2019. By April 15, 2019, the parties shall file on ECF their joint processing schedule. The conference scheduled for March 19, 2019, is hereby canceled. SO ORDERED. Central Intelligence Agency answer due 3/26/2019; Department Of Justice answer due 3/26/2019; National Security Agency answer due 3/26/2019; Office of the Director of National Intelligence answer due 3/26/2019 (Signed by Judge Lorna G. Schofield on 3/18/2019) (kv) (Entered: 03/19/2019)
03/27/2019	<u>33</u>	ANSWER to <u>17</u> Amended Complaint,. Document filed by Central Intelligence Agency, Department Of Justice, National Security Agency, Office of the Director of National Intelligence.(Barnea, Jean-David) (Entered: 03/27/2019)
04/15/2019	<u>34</u>	JOINT LETTER addressed to Judge Lorna G. Schofield from Noor Zafar dated April 15, 2019 re: Production Schedule. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Zafar, Noor) (Entered: 04/15/2019)
04/16/2019	<u>35</u>	MEMO ENDORSEMENT on re: <u>34</u> Letter filed by American Civil Liberties Union, American Civil Liberties Union Foundation. ENDORSEMENT: SO ORDERED. The parties shall submit a joint status letter by June 17, 2019, and every 60 days thereafter in accordance with the Court's Individual Rules. By April 17, 2020, the parties shall file a joint letter on ECF stating how they intend to proceed. (Signed by Judge Lorna G. Schofield on 4/16/2019) (ks) (Entered: 04/16/2019)
06/17/2019	<u>36</u>	STATUS REPORT. <i>Joint Status Letter</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Zafar, Noor) (Entered: 06/17/2019)
08/16/2019	<u>37</u>	STATUS REPORT. <i>Joint Status Letter</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Zafar, Noor) (Entered: 08/16/2019)
10/16/2019	<u>38</u>	STATUS REPORT. <i>Joint Status Letter</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Zafar, Noor) (Entered: 10/16/2019)